

BEFORE THE STATE BOARD OF LAND COMMISSIONERS
STATE OF IDAHO

In the Matter of:)	
)	Case No. PH-2021-PUB-20-003
Encroachment Permit Application)	
No. L-96-S-2687)	NOTICE OF APPOINTMENT OF
)	HEARING COORDINATOR
William Brownlee – Camp Bay Community)	AND PUBLIC HEARING
Association Inc,)	
Applicant.)	

NOTICE IS HEREBY GIVEN that pursuant to the Lake Protection Act, Idaho Code Title 58, Chapter 13 (which may be viewed at <https://legislature.idaho.gov/statutesrules/idstat/Title58/T58CH13/>) and the Rules for the Regulation of Beds, Waters, and Airspace over Navigable Lakes in the State of Idaho, IDAPA 20.03.04.000 *et seq.*, (which may be viewed at <https://adminrules.idaho.gov/rules/current/20/0304.pdf>) the Director of the Idaho Department of Lands (“IDL”) has appointed Chris Bromley, Attorney at Law, as the “Hearing Coordinator” to conduct a public hearing in the above-captioned matter. The public hearing will be conducted pursuant to Idaho Code § 58-1306(c). The Hearing Coordinator has the scope of authority delineated by IDAPA 20.01.01.413.01 and, as applicable, by IDAPA 20.03.04.030.

The provisions of Idaho Code § 58-1306 and IDAPA 20.03.04.030 apply to the above-captioned matter and require that a hearing on the application be held within ninety (90) days of the application date. Idaho Code § 58-1306(c) and IDAPA 20.03.04.030.05. In order to comply with this deadline, I delegate initial decision-making authority to the Hearing Coordinator. In accordance with Idaho Code § 67-5245, the Hearing Coordinator shall submit a preliminary order to the Director of IDL, who shall then issue a Final Order no more than thirty (30) days after the conclusion of the hearing.

As provided in Idaho Code § 67-5240, the contested case provisions of the Administrative Procedure Act do not apply where the legislature has directed the use of

alternative procedures. Because the Legislature has enacted specific alternative procedures in Idaho Code § 58-1306 that require a final order to be issued within thirty (30) days of the hearing, and leave insufficient time to consider petitions for review of the preliminary order, the procedures of Idaho Code § 67-5245 addressing petitions for review of preliminary orders are not applicable.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be conducted in accordance with IDAPA 20.01.01.000 *et seq.* on **Wednesday, August 25, 2021 at 6:00 p.m. Pacific Time** via videoconference. To participate in the hearing, you may use the following link:

<https://idl.zoom.us/j/84305701631?pwd=cVpkQ2luZzYyamJ5bnd4TjVLNEMxUT09>,

or from the Zoom application main menu, select Join and then enter Meeting ID 843 0570 1631, and Passcode 124410. Alternatively, to participate by phone only, you may dial (669) 900-6833 and enter Meeting ID 84305701631# and Passcode 124410 #. For those who may not have internet access nor electronics compatible with Zoom, conference rooms at the Idaho Department of Lands office at 3258 W. Industrial Loop, Coeur d'Alene, ID 83815 will be available with Zoom capabilities in order to allow those present in the conference room to participate in the hearing. In order to ensure that IDL has adequate space available for those who may wish to participate from its Coeur d'Alene office, IDL is requesting that participants sign up in advance. To sign up, please contact Mike Ahmer at mahmer@idl.idaho.gov by five o'clock (5:00) p.m. Wednesday, August 18, 2021. The number of participants present in the IDL office will be limited in order to comply with social-distancing guidelines. Please note that written comments, submitted as set forth below, and oral comments, will be given the same weight and consideration.

The Rules of Procedure (IDAPA 20.01.01.000 *et.seq.*) may be viewed at <https://adminrules.idaho.gov/rules/current/20/0101.pdf>. The hearing record may be viewed at <https://www.idl.idaho.gov/lakes-rivers/administrative-hearings/>

You may attend and present comments at the public hearing. You may also submit written comments to comments@idl.idaho.gov (please enter “Case No. PH-2021-PUB-20-003” in the subject line) or to Idaho Department of Lands, PO Box 83720, Boise, ID 83720-0050. In order to be considered, all written comments must be received by the close of the hearing.

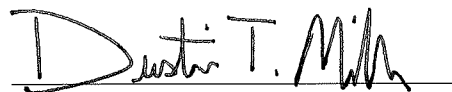
In order to allow for a smoother video conference hearing, it is strongly recommended that those who plan to utilize exhibits as part of their hearing testimony submit their exhibits prior to the hearing. Therefore, by five o’clock (5:00) p.m. Pacific Time, Monday, August 23, 2021, please email to the Hearing Coordinator, via kromine@idl.idaho.gov, and to all other parties, a list of all exhibits you may offer at the hearing along with a complete and correct copy of each exhibit. The Applicant, William Brownlee, will label any exhibits alphabetically (A, B, C...). The Objector, Steve Holt, will label any exhibits numerically and preceded by “H” (H-1, H-2, H-3...). The Idaho Department of Lands will label any exhibits numerically and preceded by “IDL” (IDL-1, IDL-2, IDL-3...).

Members of the public and others who intend to present testimony with exhibits are also requested to provide a copy of each such exhibit to the Hearing Coordinator no later than 5:00 p.m. (Pacific Time) on Monday, August 23, 2021, and should label each exhibit with their last name or name of the entity they represent, followed by “-1, -2, etc.”.

Parties and members of the public will not be precluded from submitting exhibits at the hearing, and until conclusion of the hearing. However, to ensure that the hearing runs smoothly, and the record is complete, parties and members of the public are encouraged to submit their exhibits in advance of the hearing.

The hearing will be conducted in facilities that meet the accessibility requirements of the Americans with Disabilities Act ("ADA"), in accordance with IDAPA 20.01.01.550 and 551. If a person requires assistance of the kind IDL is required to provide under the ADA in order to participate or in order to understand the hearing, IDL will supply the assistance upon request. Documents, pleadings, or requests for ADA assistance, a copy of the Rules of Procedure, or other general requests may be submitted to Mike Ahmer at mahmer@idl.idaho.gov or at 3258 W. Industrial Loop, Coeur d'Alene, ID 83815. Any request for ADA assistance must be submitted by noon on Wednesday, August 18, 2021.

DATED this 28 day of July 2021.


DUSTIN T. MILLER, Director
Idaho Department of Lands

CERTIFICATE OF MAILING

I hereby certify that on this 30th day of July 2021. I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

William Brownlee
Camp Bay Community Association Inc
7033 E Greenway Parkway, Suite 100
Scottsdale, AZ 85254

☒ U.S. Mail, postage prepaid
☐ Hand Delivery
☒ Email: alexb@m3companiesllc.com
bbrownlee@m3companiesllc.com
jkelly@m3companiesllc.com

Steve Holt
Lake Pend Oreille Waterkeeper

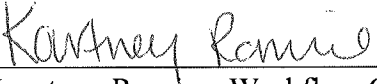
☐ U.S. Mail, postage prepaid
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Angela Schaer Kaufmann
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Counsel for IDL

☒ Statehouse Mail
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Kourtney Romine *on behalf of*
Chris Bromley, Hearing Coordinator

☐ U.S. Mail, postage prepaid
☐ Hand Delivery
☐ Email: kromine@idl.idaho.gov



Kourtney Romine, Workflow Coordinator

Copy sent via email and/or regular U.S. Mail, postage prepaid to Those Who Have Provided Comments.

Charles E. Corsi
Idaho Department of Fish and Game
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